

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF  
SUPERVISORS WAS HELD JUNE 3, 1997 AT 9:30 A.M. IN WARRENTON,  
VIRGINIA

P R E S E N T    Mr. David C. Mangum, Chairman; Mr. James G. Brumfield,  
Vice Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;  
Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator;  
Mr. Paul S. McCulla, County Attorney

#### ADOPTION OF THE AGENDA

Mr. Weeks moved to adopt the agenda subject to adding Reconsideration of the Comprehensive Plan Amendment to the Opal Service District Map for Lloyd A. Forbush, Barbara P. McLeod and C.A. Payne Property and Re-grading of the Planner Positions in the Department of Community Development to the regular agenda. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes:    Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks  
Nays:    None  
Absent During Vote:        None  
Abstention:        None

#### EMPLOYEE OF THE MONTH - BARBARA BREEDEN

Mr. Brumfield moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes:    Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks  
Nays:    None  
Absent During Vote:        None  
Abstention:        None

#### RESOLUTION

A RESOLUTION TO RECOGNIZE BARBARA BREEDEN AS THE  
FAUQUIER COUNTY EMPLOYEE OF THE MONTH FOR JUNE 1997

WHEREAS, the Fauquier County Board of Supervisors recognizes that the County's employees are its most valuable resource; and

WHEREAS, effective July 16, 1991, the Board of Supervisors approved the resolution to establish the Employee Awards Program; and

WHEREAS, the Board of Supervisors selects one employee from those nominated, based upon the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to the County; and

WHEREAS, Barbara Breeden, Receptionist for Fauquier County offices, was nominated for the Employee of the Month Award; and

WHEREAS, Barbara Breeden has been employed with Fauquier County

since July, 1974; and

WHEREAS, since joining the County workforce, Barbara Breeden has clearly been one of the most public of County employees; and

WHEREAS, Barbara Breeden's consistent cheerfulness, helpfulness and "can-do" attitude has earned her the reputation among the citizens and her co-workers as "Fauquier County's Ambassador to the Public"; and

WHEREAS, Barbara Breeden clearly takes pride in her job and feels that her job is an important part of the County operation; and

WHEREAS, Barbara Breeden has established a sign-in and sign-out system for County vehicles which has given employees confidence that their motor pool needs are being met; and

WHEREAS, Barbara Breeden's accomplishments, dedication, and loyalty demonstrate her individual commitment to Fauquier County; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 3rd day of June 1997, That Barbara Breeden be, and is hereby, recognized as the Fauquier County Employee of the Month for June 1997; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors extends gratitude to Barbara Breeden for her outstanding performance and dedicated service; and, be it

RESOLVED FINALLY, That Barbara Breeden is hereby entitled to all of the rights and privileges associated with this award.

Mr. Brumfield presented Ms. Breeden with a copy of the resolution, a certificate, a paperweight, and \$100.00.

#### CITIZENS TIME

Jim Rankin asked the Board of Supervisors to consider purchasing goods and services from local merchants.

W.H. Armstrong, Decker Tapscott, and Bill Frazier spoke in favor of the special exception request for Wal-Mart, Inc.

Virginia Fishback, Charles Fishback, Ceceanne Harway, Kitty Smith, and Christine Fox spoke in opposition to the special exception request for Wal-Mart, Inc.

#### CONSENT AGENDA

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the May 20, 1997 Regular Meeting

FY 1997 Budget Transfers and Supplemental Appropriations

RESOLUTION (FY 97)

A RESOLUTION TO TRANSFER & APPROPRIATE FUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the School Division has requested \$173,072 of interest on the \$9,000,000 VBSA Bond issue be appropriated to support the Fauquier High School phase of School Construction; and

WHEREAS, the School Division has requested \$80,000 of interest on the \$9,000,000 VBSA Bond issue be appropriated to match \$30,000 provided by the Fauquier High School Athletic Boosters for lighting the Fauquier High School baseball field; and

WHEREAS, the Adult Court has requested the appropriation of \$3,625 in state funding to purchase computer equipment; and

WHEREAS, Support Services has requested \$193,749 appropriation support from the County's General Fund balance for the Warren Green/School Division relocation project; and

WHEREAS, the Office of Emergency Services requested \$99,000 appropriated in FY 1996 for vehicle purchases be reappropriated from prior year General Fund balance in FY 1997; and

WHEREAS, the Library Board has requested the appropriation of \$2,251 from the Library Trust Fund to hire two children's department aides to help with a summer reading program; and

WHEREAS, proper justification for these actions has been presented to the Finance Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of June 1997, That the sum of \$580,948 be appropriated, and hereby approved as follows:

FROM	TO
Source Code Amount	Department Code Amount
Bond Interest 3-302-151000-2 \$80,000	Schools CIP 4-302-94620-6013 \$80,000
Donation 3-302-189903-2 \$30,000	Schools CIP 4-302-94620-6013 \$30,000
Bond Interest 3-302-151000-2 \$173,072	Schools CIP 4-302-94605-3140 \$173,072
State Grant 3-100-244100-30 \$3,625	Adult Court Svs 4-100-21700-8207 \$3,625
General Fund Balance 3-100-419000-10 \$99,000	Emergency Svs 4-100-32410-8201 \$99,000
Library Trust Fund 4-735-73100-9405 \$2,251	Library 4-100-73100-1302 \$2,251
General Fund Balance 3-100-419000-10 \$193,000	Support Svs 4-302-94402-8215 \$193,000
\$580,948	\$580,948

Authorization to Convert a Part-Time Temporary Position to a Part-Time Permanent Position in the Office of Fauquier County's Disability Services Board

#### RESOLUTION

A RESOLUTION TO CONVERT A PART-TIME TEMPORARY POSITION TO A PART-TIME PERMANENT POSITION FOR FAUQUIER COUNTY'S DISABILITY SERVICES BOARD

WHEREAS, a part-time temporary clerical support position was established for Fauquier County's Disability Services Board; and

WHEREAS, the Disability Services Board desires to establish this temporary position as a permanent position; and

WHEREAS, the incumbent in the position now works approximately 20 hours per week; and

WHEREAS, the incumbent provides coordination of disability awareness activities to schools, businesses and government; and

WHEREAS, the incumbent continues to provide information and referral to the community and staff support for the Disability Services Board; and

WHEREAS, the incumbent continues to provide a valuable resource to the citizens of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of June 1997, That the part-time temporary clerical support position be, and is hereby, converted to a part-time permanent position, effective July 1, 1997; and be it

RESOLVED FURTHER, That the Disability Services Board will follow the procedures set forth in the County Personnel Policy and Pay Classification Plan.

Authorization to Establish Reciprocal Services and Prior Credit for General County Government and School Classified Employees

#### RESOLUTION

A RESOLUTION TO ESTABLISH RECIPROCAL SERVICES  
AND PRIOR CREDIT FOR GENERAL COUNTY GOVERNMENT  
AND SCHOOL CLASSIFIED EMPLOYEES

WHEREAS, effective July 1, 1995, the Fauquier County General Government and the Fauquier County Public School System consolidated certain services; and

WHEREAS, it is the shared intent of the School Board and the Board of Supervisors to create an equitable working environment between the County Government and the School Division; and

WHEREAS, a permanent employee resigns in good standing from either the County Government or School System; and

WHEREAS, the employee becomes employed in either system within one year of resignation will receive full credit for prior years of service for the purpose of determining leave accruals; and

WHEREAS, the employee will receive full credit for any accumulated unpaid leave not made upon resignation; and

WHEREAS, the employee will receive full seniority credit for the years of service in their prior employment; and

WHEREAS, the seniority credit will not affect salary step placement; now, therefore, be it

RESOLVED by the Board of Supervisors this 3rd day of June 1997, That reciprocal services and prior credit for General County Government and School

Classified System employees, be, and is hereby, granted; and, be it

RESOLVED FURTHER, That the effective date be January 1, 1997; and,  
be it

RESOLVED FINALLY, That the Personnel Department be charged with  
the responsibility for preparing implementation amendments to the "Leave"  
sections of the Fauquier County Personnel Policies.

A Resolution to Accept Streets Within the Chestnut Turn Subdivision Into the  
Secondary Highway System

#### RESOLUTION

FAUQUIER COUNTY BOARD OF SUPERVISORS  
SUBDIVISION STREET ACCEPTANCE  
CHESTNUT TURN SUBDIVISION  
CENTER MAGISTERIAL DISTRICT

WHEREAS, certain streets on the attached sketch titled "Chestnut Turn  
Subdivision, Fauquier County" dated June 3, 1997, and described on the  
attached Additions Form SR-5(A), fully incorporated herein by reference, is  
shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier  
County; and

WHEREAS, the Resident Engineer for the Virginia Department of  
Transportation has advised this Board the streets meet the requirements  
established by the Subdivision Street Requirements of the Virginia Department  
of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of  
Transportation have entered into an agreement on February 7, 1995, for  
comprehensive stormwater detention, which applies to this request for addition;  
now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 3rd day of  
June, 1997, That the Virginia Department of Transportation be, and is hereby,  
requested to take the necessary action to add the above described street into  
the State Highway Secondary System for maintenance, as provided in Section  
33.1-229, Code of Virginia, and the Virginia Department of Transportation's  
Subdivision Street Requirements; and, be it

RESOLVED FURTHER, That this Board does guarantee the  
Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in  
the Chestnut Turn Subdivision, with necessary easements for cuts, fills, and  
drainage, recorded in Deed Book 658, Pages 60-69 and dated July 24, 1991;  
and, be it

RESOLVED FINALLY, That a certified copy of this resolution be  
forwarded to the Resident Engineer for the Virginia Department of  
Transportation.

A Proclamation to Declare June 28-29, 1997 as Amateur Radio Weekend

#### PROCLAMATION

A PROCLAMATION TO DECLARE JUNE 28-29, 1997  
AS AMATEUR RADIO WEEKEND

WHEREAS, amateur radio operators are licensed by the Federal Communications Commission; and

WHEREAS, the County of Fauquier has more than 175 licensed amateur radio operators who have demonstrated their skills and value to the public by providing emergency radio communications; and

WHEREAS, these amateur radio operators donate these services free of charge to the County and charitable groups in the interest of safety for citizens; and

WHEREAS, the Radio Amateur Civil Emergency Service is established under the Commonwealth of Virginia Emergency Operations Center; and

WHEREAS, amateur radio operators will be practicing their emergency communications skills during the weekend of June 28-29, 1997; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 3rd day of June 1997, That the weekend of June 28-29, 1997 is declared Amateur Radio Weekend.

A RESOLUTION TO APPROVE THE FIVE-YEAR DEVELOPMENT PLAN FOR  
THE WARRENTON-FAUQUIER AIRPORT

Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE FIVE-YEAR DEVELOPMENT  
PLAN FOR THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Commonwealth of Virginia Department of Aviation requires each locality with an airport in the State's system to submit annually a five-year plan as a general guide to development activities anticipated for that airport; and

WHEREAS, since the acquisition of the Warrenton-Fauquier Airport by the County in January 1992, this plan represents the sixth submission into the State program, the first having been approved and submitted by the Board of Supervisors on June 16, 1992; and

WHEREAS, approval by the State of the County's plan activates the process of allocation of funds at the State and Federal levels to support the projects contained in the plan; and

WHEREAS, this five-year plan, prepared with the guidance and assistance of the County's Airport Consultant, Campbell & Paris Engineers, was authorized by the County Airport Committee for submission to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of June 1997, That the Five-Year Development Plan for the Warrenton-Fauquier Airport be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to submit the plan to the Commonwealth of Virginia Department of Aviation for consideration.

A RESOLUTION TO AUTHORIZE MONIES RECEIVED FROM THE REGIONAL COMPETITIVENESS FUND BE DESIGNATED TO THE RAPPAHANNOCK-RAPIDAN REGIONAL PARTNERSHIP FOR THE PURPOSE OF FURTHERING ECONOMIC COMPETITIVENESS OF THE REGION WITHIN THE BOUNDARIES OF THE RAPPAHANNOCK-RAPIDAN PLANNING DISTRICT

Mr. Mangum moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

#### RESOLUTION

A RESOLUTION TO AUTHORIZE MONIES RECEIVED FROM THE REGIONAL COMPETITIVENESS FUND BE DESIGNATED TO THE RAPPAHANNOCK-RAPIDAN REGIONAL PARTNERSHIP FOR THE PURPOSE OF FURTHERING ECONOMIC COMPETITIVENESS OF THE REGION WITHIN THE BOUNDARIES OF THE RAPPAHANNOCK-RAPIDAN PLANNING DISTRICT

WHEREAS, the Virginia General Assembly, in its 1996 session enacted the Regional Competitiveness Act (Title 15.1, Chapter 26.3 of the Code of Virginia) and this same Act was signed by the Governor of Virginia; and

WHEREAS, the newly established Rappahannock-Rapidan Regional partnership is made up of educators, business people, community leaders and government officials, and is charged with promoting cooperation among its member localities and enhancing the economic competitiveness of the region; and

WHEREAS, the member localities of the Partnership include the five counties of Culpeper, Fauquier, Madison, Orange, and Rappahannock, and the three largest towns within these counties: Culpeper, Orange and Warrenton; and

WHEREAS, the local governing bodies of each member locality must approve a uniform method for processing Regional Competitiveness Funds; now, therefore, be it

RESOLVED this 3rd day of June 1997, That the Fauquier County Board of Supervisors hereby agrees that all monies received from the Regional



Competitiveness Fund be designated to the Rappahannock-Rapidan Regional Partnership for the purpose of furthering the economic competitiveness of the region defined by the boundaries of the Rappahannock-Rapidan Planning District.

A RESOLUTION TO APPOINT KENNETH SMITH TO THE COMMUNITY  
CRIMINAL JUSTICE BOARD

Mr. Brumfield moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPOINT KENNETH SMITH TO THE  
COMMUNITY CRIMINAL JUSTICE BOARD IN ACCORDANCE  
WITH VIRGINIA CODE SECTIONS 19.2-152.2 AND 53.1-180

WHEREAS, the Virginia General Assembly has enacted Parole and Sentencing Reform legislation (Section 19.2-152.2 and 53.1-180 of the Code of Virginia, 1950, as amended) known as the Comprehensive Community Corrections Act for Local-Responsible Offenders and the Pretrial Services Act, which significantly affect local criminal justice programming; and

WHEREAS, as a result of the said legislation, the Fauquier County Board of Supervisors has adopted a resolution on May 2, 1995 to appoint members to a local Community Criminal Justice Board; and

WHEREAS, a motion was made, seconded, and adopted by the Community Criminal Justice Board at its April 10, 1997 meeting that Kenneth Smith, Director of Juvenile Court Services, be appointed to the Community Criminal Justice Board; and

WHEREAS, Kenneth Smith is a criminal justice professional of good character whose skills, experience and abilities will significantly benefit the Community Criminal Justice Board; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of June 1997, That Kenneth Smith be appointed to the membership of the Fauquier/Rappahannock Community Criminal Justice Board in accordance with Sections 19.2-152.2 and 53.1-180 of the Code of Virginia, 1950, as amended.

APPOINTMENTS

Mr. Mangum moved to appoint Betty Butler to the Affordable Housing Committee for a term to expire December 31, 1999. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks  
Nays: None  
Absent During Vote: None  
Abstention: None

Mr. Brumfield moved to appoint Randy Wheeler to the Social Services Board for a term to expire December 31, 1999. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks  
Nays: None  
Absent During Vote: None  
Abstention: None

SPECIAL EXCEPTION - WALTER AND ARRABELLE ARRINGTON, OWNERS,  
AND WAL-MART, INC., APPLICANT

A public hearing was held on April 22, 1997 to consider a request for special exception approval from Walter and Arrabelle Arrington, Owners, and Wal-Mart, Inc., Applicant, to locate and operate a retail sales establishment owned by Wal-Mart, Inc. The property is located on the west side of James Madison Highway/East Shirley Avenue (Routes 17 and 29 Business) near its intersection with Falmouth Street (Route 15 Business), split between the jurisdictional lines of Fauquier County and the Town of Warrenton. Mr. Brumfield moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. Larry L. Weeks  
Nays: Mr. James R. Green, Jr.  
Absent During Vote: None  
Abstention: None

A RESOLUTION TO GRANT  
SPECIAL EXCEPTION APPLICATION SE97-M-03

WHEREAS, Walter and Arabelle Arrington, Property Owners, and Wal-Mart, Inc., Applicant, have filed an application for a special exception to establish a retail sales establishment of more than 75,000 square feet pursuant to Section 3-312.5 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission, after due notice and public hearing, recommended on a 3-2 vote, the approval of the application for the special exception to establish a retail sales establishment of more than 75,000 square feet pursuant to Section 3-312.5 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Fauquier County Board of Supervisors has after due notice and hearing as required by Code of Virginia Section 15.1-431, and Section 5-009 of the Fauquier County Code considered the comments of its

citizens on the proposed application; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 3rd day of June, 1997 That special exception application No. SE97-M-03, Walter and Arabelle Arrington Property Owners and Wal-Mart, Inc., Applicant, to establish a retail sales establishment of more than 75,000 square feet pursuant to Section 3-312.5 of the Fauquier County Zoning Ordinance, be and is hereby granted, based on the Board's findings and subject to the following conditions:

1. The proposed use WILL NOT adversely affect the use or development of neighboring properties.
2. The proposed use SATISFIES the general standards set forth in Section 5-006 (1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this motion as if fully set forth.
3. The use WILL be compatible with existing or planned development in the general area in which it is to be located.
4. The special exception is granted subject to the following conditions, safeguards and restrictions upon the proposed use as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

#### TRANSPORTATION

There shall be no more than two access points to the site from James Madison Highway. These access points shall be located as shown on the revised special exception plat prepared by CEI Engineering Associates, Inc. and dated 03-07-97.

At the time of first subdivision record plat recordation or, alternatively, first site plan approval, the applicant shall dedicate along the site's entire James Madison Highway frontage adequate right-of-way as recommended by the Virginia Department of Transportation measured from the center line of the existing right-of-way or planned center of the future roadway. The exact right-of-way to be dedicated shall be determined pursuant to the final site plan process. Any additional right-of-way as required by the Virginia Department of Transportation (VDOT) for turn lanes shall be dedicated at the time of first subdivision record plat recordation or, alternatively, first site plan approval.

The applicant shall construct to VDOT standards turn lanes and additional through lanes along the site's frontage on James Madison Highway to meet VDOT requirements to continue the four lane concept from the highway's terminus at the site's southern property boundary to the site's northern property boundary. The right turn lane on James Madison Highway to be constructed shall begin at the subject property's northeast corner and extend for the full property frontage. All construction shall be completed or bonded for construction at the time of first final site plan approval. Construction shall in any case be completed prior to the issuance of an occupancy permit.

The applicant shall dedicate right-of-way for a new road, to be named Alwington Boulevard or such other name as may be selected and approved during the development process, which will serve as the southern access road to the site and which may in the future be continued to serve other nearby properties. From this road there shall be only one direct access point to the Wal-Mart site and any other area for potential future development that is within the boundaries of the property covered by this special exception application. The following rights-of-way, located generally as shown on the special exception plat prepared by CEI Engineering Associates, Inc. and dated 03-07-97, shall be dedicated at the time of first subdivision record plat

recordation or, alternatively first final site plan approval:

- a.) 110 feet of right-of-way from James Madison Highway extending approximately 345 feet to the point of direct site access into the parking area;
- b.) 110 feet of right-of-way from the direct site access point cited above, running along the proposed Wal-Mart property line to the northwest corner of the Wal-Mart property.

The applicant shall construct to VDOT standards for acceptance into the State Secondary Road System for maintenance, two lanes of the southern site access road, to be named Alwington Boulevard, as shown on the special exception plat prepared by CEI Engineering Associates, Inc. and dated 03-07-97. This new road will run approximately 350 feet from James Madison Highway. The applicant shall also construct turn lanes as required by VDOT. All construction shall be completed or bonded for completion at the time of first final site plan approval. Construction shall in any case be completed prior to the issuance of an occupancy permit.

The northern James Madison Highway site entrance, as shown on the special exception plat prepared by CEI Engineering Associates, Inc. and dated 03-07-97 and located opposite Industrial Drive, shall be limited to access granted by the Virginia Department of Transportation; however at no time shall the access provide for more than right and left in and right-out traffic only. There shall be a traffic island installed to limit left-out turns from the site onto the northbound lanes of James Madison Highway.

The applicant shall install, prior to issuance of certificate of occupancy for any structure on the site, a traffic signal at the intersection of James Madison Highway and the new public road, to be named Alwington Boulevard, that will provide southern site access. This signal shall meet all VDOT requirements.

Prior to issuance of a certificate of occupancy for any structure on the site, the applicant shall contribute 20% of the cost of a traffic signal, meeting all VDOT requirements, to be installed by VDOT, at the intersection of James Madison Highway and the Eastern By-pass.

#### SEWAGE AND WATER

Prior to the submission of the first site plan application for any development on the site, the applicant shall obtain all necessary local and State approvals for the on-site disposal of sewage. If public sewer is made available to the site, the applicant shall connect with this service within 360 days of its availability provided, however, that if sewer is made available to the site any time within the first ten (10) years, after installation of an on-site disposal system and issuance of an occupancy permit, then the requirement for the applicant to connect shall be tolled to the end of the ten (10) year period except that the Virginia Department of Health may order that connection be made for public health reasons.

Prior to the submission of the first site plan application for any development on the site, the applicant shall complete, in accordance with the provisions of Section 18 of the Subdivision Ordinance, and obtain approval of a hydrogeological study. This study must demonstrate that there is sufficient water quantity, including water for fire flow, and quality to serve the site and its uses without degrading or depleting groundwater quantity and quality to the detriment of adjacent properties. If public water is made available to the site, the applicant shall connect with this service within 360 days of its availability, provided that, however, that if water is made available to the site any time within the first ten (10) years, or after the installation of a on-site water system and issuance of an occupancy permit, then the requirement for the applicant to connect shall be tolled to the end of the ten (10) year period except that the Virginia Department of Health may order that connection by made for public health reasons.

#### BUILDING DESIGN, LANDSCAPING AND SCREENING

The design, construction, and materials of the Wal-Mart building shall be in

substantial conformance with or an improvement to elevation plans, prepared by Wal-Mart, Inc. and dated 03-07-97. Detailed plans shall be submitted to the County for review and approval at the time of first site plan application.

The applicant shall submit at the time of first site plan application a landscaping and buffering plan for County review and approval. This plan shall be in substantial conformance with the special exception plat prepared by CEI Engineering Associates, Inc. and dated 03-07-97. The plan shall include a six foot landscaped berm along the entire rear portion of the building to screen the rear from adjacent properties.

#### SIDEWALKS AND PEDESTRIAN ACCESS

Prior to the issuance of the first certificate of occupancy, the applicant shall construct to applicable County and Town of Warrenton standards sidewalks along the entire James Madison Highway frontage of the site and along the north side of the southern access road, to be named Alwington Boulevard to the entrance to Wal-Mart, Inc. If the Town of Warrenton officially objects to this requirement the sidewalk within the Town Corporate Limits shall not be required.

The final site plan shall include plans to provide adequate and safe pedestrian access from any sidewalk required by any condition to this special exception through the parking areas to the store entrances; and pedestrian access to adjacent properties.

#### LIGHTING

The applicant shall submit for County review and approval a detailed lighting plan with final site plan application. All light sources shall be directed or shielded so as not to be visible from off the property.

#### PARKING

Parking spaces shall be provided at the minimum required by the Zoning Ordinance.

To provide safe pedestrian access through the parking lot, a visual break in the large parking lot, and safe vehicular access the parking lot design shall include features such as landscaped islands, sidewalks, and contrasting pavement types.

Parking and other outside areas shall not be used for storage and outside sales or displays unless such areas are specifically shown and approved in the site plan. Special Permit approval shall be required for temporary uses such as fairs, carnivals and other similar temporary amusement uses.

#### STORMWATER MANAGEMENT

The final location of the stormwater management plan shall be approved by the County prior to final site plan submission.

#### SPECIAL EXCEPTION - LAKE WHIPPOORWILL GENERAL PARTNERSHIP

A public hearing was held at the May 20, 1997 meeting to consider a request from Lake Whippoorwill General Partnership for special exception approval for a major residential development on 117 acres for an additional 71 lots of approximately one acre each. The property is located on Dumfries Road (Route 605) at its intersection with Lee Highway (Route 29/211). Mr. Weeks moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks  
Nays: None

Absent During Vote:       None  
Abstention:           None

## RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION  
REQUEST #SE97-S-05  
LAKE WHIPPOORWILL GENERAL PARTNERSHIP

WHEREAS, the applicant Lake Whippoorwill General Partnership, is the developer of the Lake Whippoorwill Subdivision on Route 605 in the New Baltimore Service District; and

WHEREAS, Lake Whippoorwill General Partnership is now seeking a special exception for major residential development to allow the Lake Whippoorwill Subdivision to go beyond the fifty (50) lots allowed by minor residential development; and

WHEREAS, the applicants request has been reviewed and found to be in conformance with Section 5-006, General Standards, of the Zoning Ordinance and has also found to be in conformance with the specific standards set forth in Section 5-100 of the Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on Lake Whippoorwill General Partnership's request for a special exception for major residential development on April 24, 1997; and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the special exception for major residential development subject to certain conditions which are enumerated below; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 3rd day of June 1997, That special exception #SE97-S-05 for major residential development for the Lake Whippoorwill General Partnership, be and is hereby, approved subject to the following conditions:

1. The applicant shall dedicate, at the time of first final plat approval in Section II (that property subject to this special exception), a 1.5 acre water tank lot to the Fauquier County Water and Sanitation Authority located approximately 500 feet south of relocated Route 605 and as shown as out-parcel B on the special exception plat prepared by ENSAT and dated 4/17/97.
2. The applicant shall dedicate 110 feet of right-of-way for relocated Route 605 from its current terminus in Section I of the Lake Whippoorwill development (those lots approved by-right in 1994) to Route 29-211, generally as shown on the special exception plat prepared by ENSAT and dated 4/17/97. The dedication shall occur at the time final plats for Phases 4-6, Section II, of the Lake Whippoorwill Subdivision are recorded.
3. Two lanes of the proposed four lane divided roadway known as relocated Route 605 shall be constructed by the applicant from existing Route 605 to relocated Route 605's intersection with Route 29-211. The connection with Route 29-211 and relocated Route 605 shall be made when the final phase of the Lake Whippoorwill Subdivision (Section II, Phase 6) is recorded and bonded.

4. The applicant shall construct an interparcel connector fifty feet wide along the parcel's northern border with the Jamison property in the approximate location shown on the special exception plat prepared by ENSAT and dated 4/17/97. Design and construction of the interparcel connector shall be done when the final subdivision plats for Phase I, Section II of the Lake Whippoorwill Subdivision are recorded.

5. The applicant shall prepare a preliminary soil report prior to the development of preliminary plans for the proposed new phases of Lake Whippoorwill Subdivision in order for the County Soil Scientist to evaluate when reviewing the preliminary plans.

6. The applicant will construct a 4 foot wide trail within a 10 foot wide trail easement connecting the Lake Whippoorwill Subdivision with the P.B. Smith Elementary School near the intersection of existing Route 605 and the proposed relocated Route 605 and then to parallel existing Route 605 to the P.B. Smith Elementary School property line. The trail will be constructed at the time of final plat approval for the first phase that is recorded in Section II of the Lake Whippoorwill Subdivision.

7. The applicant's development shall include a one acre site for active recreation which shall be shown on the preliminary plan for the Lake Whippoorwill Subdivision and which shall be deeded to the Homeowners Association for the Lake Whippoorwill Subdivision at the time final plats for Phase I, Section II of the subdivision are recorded. The one acre recreation site will be located on the east side of relocated Route 605.

8. The special exception will be for a maximum of seventy-one (71) lots.

#### PROPOSED ALTERNATIVES FOR THE OPAL INTERCHANGE

Mr. Mangum moved to table the decision on the proposed alternative for the Opal Interchange until the July 1, 1997 meeting. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks  
Nays: None  
Absent During Vote: None  
Abstention: None

#### RECONSIDERATION OF THE VOTE APPROVING THE COMPREHENSIVE PLAN AMENDMENT TO THE OPAL SERVICE DISTRICT MAP FOR LLOYD A FORBUSH, BARBARA P. MCLEOD, AND C.A. PAYNE PROPERTY

Mr. Burton moved to reconsider the May 20, 1997 vote approving the Comprehensive Plan amendment to the Opal Service District map for Lloyd A. Forbush, Barbara P. McLeod, and C.A. Payne Property at the July 1, 1997 meeting. Mr. Weeks seconded, and the vote for the motion was unanimous

as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

#### RE-GRADING OF THE PLANNER POSITIONS IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. Green moved to adopt the following resolution at the June 17,  
1997 meeting to re-grade the planner positions in the Department of  
Community Development. Mr. Brumfield seconded, and the vote for the  
motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

#### RESOLUTION

#### A RESOLUTION TO RE-GRADE THE PLANNER POSITIONS IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Be It Resolved by the Fauquier County Board of Supervisors this 3rd  
day of June 1997, That the planner positions in the Department of  
Community Development be, and are hereby, re-graded to Grade 22.

#### EXECUTIVE SESSION

Mr. Weeks moved to go into executive session pursuant to Virginia  
Code Section 2.1-344(A) (7) for consultation with legal counsel pertaining to  
probable litigation. Mr. Brumfield seconded, and the vote for the motion was  
unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr.  
Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry  
L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from executive session, Mr. Weeks moved to adopt  
the following certification. Mr. Brumfield seconded.

#### CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an  
executive meeting on this date pursuant to an affirmative recorded vote and  
in accordance with the provision of the Virginia Freedom of Information Act;  
and



WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 3rd day of June 1997, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Absent During Meeting: None

With no further business, the meeting was adjourned.